

Affidavit of Publication

STATE OF MONTANA
County of Musselshell) ss.

Eric N. Rasmussen
being first duly sworn, deposes and says: That he is the
Publisher

ROUNDUP RECORD-TRIBUNE and the WINNETT TIMES, a
ly newspaper of general circulation, printed and published in
dup, County of Musselshell, State of Montana, and that the notice
into annexed entitled

Public Notice
Bull Mountain Mine No. 1

een correctly published in the regular and entire issue of every
er of said newspaper for One

cutive weeks, commencing with the issue dated _____
8/27, 2008, and ending with the issue dated _____
8/27, 2008.

Subscribed and sworn to before me this 28 day of

RY PUBLIC for the State of Montana
ng at Roundup, Montana
mission Expires 07/09/09

PUBLIC NOTICE

Public notice is hereby given that Bull Mountain Coal Mining, Inc. located at 490 North 31st Street, Suite 308, Billings, MT 59101, has changed its name to Signal Peak Energy, LLC and has new ownership. Signal Peak Energy, LLC has made application to the Montana Department of Environmental Quality for approval of its name change and notice of change of ownership, for its Underground Mine Permit, Permit #93017. The 6,410.89 acre Permit Area is located in Musselshell and Yellowstone Counties, Montana, and bears the following legal description:

BULL MOUNTAINS MINE NO. 1 PERMIT AREA LEGAL DESCRIPTION

Legal Description:

Township 6 North, Range 26 East
Section 12 S1/2S1/2NW1/4; S1/2SW1/4NE1/4; S1/2 Lot 2;
Lots 3 and 4; W1/2SE1/4; SW1/4
Section 13 All
Section 14 All
Township 6 North, Range 27 East
Section 7 Lot 4; SE1/4SW1/4; SE1/4; SE1/4NE1/4
Section 16 SW1/4SW1/4
Section 17 W1/2; W1/2NE1/4; SE1/4
Section 18 All
Section 19 Lots 1, 2, 3; E1/2W1/2; E1/2
Section 20 All
Section 21 NW1/4NW1/4
Section 28 SW1/4; SW1/4NW1/4
Section 29 All
Section 30 E1/2NE1/4
Section 32 N1/2
Section 33 All
Section 34 W1/2SW1/4

Comanche Basin Loadout Township 4 North, Range 23 East P.M.M.

Section 13 NW1/4SW1/4 - Selected Tract

Containing 6,411 acres more or less.

The permit area lies approximately 16 miles south of Roundup, MT, in the area of the USGS 7½ minute quadrangle map "Signal Mountain." The Comanche Basin Loadout is located three miles east of Broadview, MT, in the area of the USGS 7½ minute quadrangle map "Broadview East."

A copy of the changes to the permit are on file for public inspection with the recorder at the Musselshell County Courthouse in Roundup and the Yellowstone County Courthouse in Billings. Written comments may be made to the Montana Department of Environmental Quality, Industrial and Energy Minerals Bureau, ATTN: Chris Yde (who may be reached at 406-444-4967 [cyde@mt.gov] for further information on this application), P.O. Box 200901, Helena, Montana, 59620-0901. Such comments or requests for hearing must be postmarked on or before the 15th day after the publication date.

(Pub. August 27, 2008 - 1 wk)

EXHIBIT 303-4

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Ad Number: 3571318

EXHIBIT 303-4

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LEGAL DESCRIPTION**
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4NE1/4; S1/2 Lot 2; Lots 3
and 4; W1/2SE1/4; SW1/4
Section 13
All
Section 14
All
Township 6 North,
Range 27 East
Section 7
Lot 4; SE1/4SW1/4; SE1/4;
SE1/4NE1/4
Section 16
SW1/4SW1/4
Section 17
W1/2; W1/2NE1/4; SE1/4
Section 18
All
Section 19
Lots 1, 2, 3; E1/2W1/2;
E1/2
Section 20
All
Section 21
NW1/4NW1/4
Section 28
SW1/4; SW1/4NW1/4
Section 29
All
Section 30
E1/2NE1/4
Section 32
N1/2
Section 33
All
Section 34
W1/2SW1/4
Comanche Basin Loadout
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Range 23 East P.M.M.
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NW1/4SW1/4 - Selected
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August 27, 2008

The BILLINGS GAZETTE

401 N. 28th
Billings, MT 59101
Phone: (406) 657-1212 Fax: (406) 657-1345

Tammy Haar

, being first duly sworn, deposes and says: That she is the principal clerk of The Billings Gazette, a newspaper of general circulation published daily in the City of Billings, in the County of Yellowstone, State of Montana, and has charge of the Advertisements thereof.

That the 117 line legal regarding:

Public Notice

a true copy of which is hereto annexed, was published in said newspaper on the following dates: via:

8/27/08

Making all 1 publication(s)

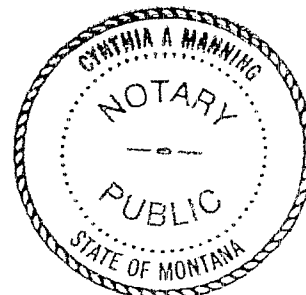
Mark below if certification for the State of Montana.

I hereby certify that I have read sec. 18-7-204 and 18-7-205, MCA, and subsequent revisions, and declare that the price or rate charged the State of Montana for the publication for which claim is made in the attached papers in the amount of \$ 234.63 is not in excess of the minimum rate charged any other advertiser for publication of advertisement, set in the same size type and published for the same number of insertions. I further certify that this claim is correct and just in all respects, and that payment or credit has not been received.

STATE OF MONTANA
County of Yellowstone

On this day of Aug 27, 2008, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Tammy Haar** known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Cynthia A Manning CYNTHIA A MANNING
NOTARY PUBLIC for the State of Montana
Residing at Billings, MT
My commission expires: June 25, 2011



Delaware

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The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF CERTIFICATE OF FORMATION OF "SIGNAL PEAK ENERGY, LLC" FILED IN THIS OFFICE ON THE SIXTEENTH DAY OF JULY, A.D. 2008, AT 6:46 O'CLOCK P.M.

EXHIBIT 303-5



2874007 8100V

080792497

You may verify this certificate online
at corp.delaware.gov/authver.shtml

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6734217

DATE: 07-17-08